

Civil Rights

The USDA is an Equal Opportunity Provider and Employer

Civil Rights

The following paragraph not only encapsulates the meaning of civil rights, but also renders a reason for why laws pertaining to civil rights are enforced:

No person shall, on the grounds of race, color, national origin, gender, religion, age, disability, or political beliefs be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the Sponsor receives Federal financial assistance from the United States Department of Agriculture (USDA).

These procedures will guide you through your civil rights and complaint process requirements as they pertain to the Child Nutrition Programs.

When you, as a Child Nutrition Program (CNP), first agree to enter the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP), Child Care Food Program (CCFP), Adult Day Care Food Program (ADCFP), Summer Food Service Program (SFSP), or Food Distribution Program (FDP), you assure the State and Federal governments that you will abide by all Civil Rights laws and directives. This assurance is a contractual agreement in which the CNP sponsor agrees to administer the NSLP, SMP, SBP, CCFP, ADCFP, SFSP, FDP, in accordance with Civil Rights law. The intent of the Civil Rights law in respect to the above mentioned programs is that discrimination against any child because of race, color, national origin, gender, religion, age, disability, or political beliefs will not be allowed.

What Constitutes Civil Rights Compliance?

First, appoint a Civil Rights Coordinator whose duties include:

- Provide training and implement procedures to determine and process civil rights complaints.

- Make available to the public, and, upon request, to participants and potential participants, information about program requirements and the procedures for filing a complaint, in English and/or in the appropriate language to non-English speaking persons.
- Include in all informational releases, publications and posters concerning child nutrition programs activities, the nondiscrimination statement indicated above. This statement shall be in a prominent place in each publication or on each poster.
- Develop a method to collect racial/ethnic data. Such methods may include determination of the information by a sponsor through observation, personal knowledge, or voluntary self-identification by an applicant.
- Ensure that special meals are made available to children whose disability restricts their diet.

Second, ensure that the following steps have been implemented:

- Civil Rights posters are displayed in areas visible to recipients of child nutrition programs such as the food service area and sponsor's office (except in Day Care Homes).
- The non-discrimination statement below is included on all appropriate program materials. (Must be printed in the same font size as document):

The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, or political beliefs. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a discrimination complaint, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

- Retain documentation that a public release announcing the availability of the NSLP, SMP, SBP, CCFP, ADCFP, SFSP, and FDP was sent to public media and community/grass roots organizations.
- Retain documents demonstrating that an appropriate language Translation is available when a significant number of persons in the population speak only a non-English language.
- Retain documentation to prove that a system is in place to handle complaints alleging discrimination.
- Retain documentation to show that admission procedures do not restrict enrollment by minority persons or persons with disabilities.
- Retain documentation to prove that a system is in place to prevent applications of minority and disabled applicants from being denied incorrectly.
- Retain documentation to show that disabled students have equal access to the programs.

Sponsors are also required to promote their nutrition program in their respective communities. This form of promotion is also known as a "grass roots effort".

What is a Grass Roots Organization?

- Any organization at the local level which interacts directly with

potential participants or beneficiaries, such as:

- * Community action programs
- * Civic organizations
- * Migrant groups
- * Churches
- * Neighborhood councils
- * Local chapter of National Association for the Advancement of Colored People (NAACP)
- * League of United Latin American Citizens (LULAC)
- * Or other similar groups, clubs or organizations

How do we define a Minority Organization?

- Any organization that supports or assists a person or group of persons belonging to the protected classes covered by Title VI of the Civil Rights Act. The protected classes are:
 - American Indian
 - Asian
 - Black or African American
 - Native Hawaiian or Other Pacific Islander
 - White
 - Hispanic or Latino

What do we mean by grass roots effort and/or public notification?

- Specific actions taken to implement a public notification system which encourages participation by potentially eligible sponsors and sites and informs potential beneficiaries, particularly minorities, of the availability of the School Lunch and Breakfast Programs, Special Milk Program, Child Care Food Program, Adult Day Care Food Program, Summer Food Service Program, and Food Distribution Program. The public notification system can be a

system that involves newspaper articles, radio/TV announcements, flyers, or any other vehicle of communication deemed necessary to reach the intended recipients.

In order to communicate this message and ensure that the appropriate group of persons hears this message, you must ascertain what public contacts this particular group will have, i.e., church groups, community organizations, etc. Equally as important is determining the language and the most effective means in which to express the message so it will be communicated and understood by the intended group (is it in the primary language, is it in a newspaper that is read by this group, etc.)

If a beneficiary feels discriminated against, he/she has the right to file a complaint. This complaint would be classified as a Discrimination or Civil Rights Complaint.

Examples of discrimination which are prohibited are as follows:

- Deny an individual any service, financial aid, or other benefit provided under the program;
- Provide any service, financial aid, or other benefit, to an individual which is different, or is provided in a different manner, from that provided to others under the program;
- Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
- Restrict an individual in any way in the enjoyment of any advantage or privilege, enjoyed by others receiving any service, financial aid, or other benefit under the program;
- Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligible status,

membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

- Deny an individual an opportunity to participate in the program through the provisions of services or otherwise afford him an opportunity to do so which is different from that afforded others under the program;
- Deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

California Department of Education
Nutrition Services Division

June 1999

Complaint Procedures

The USDA is an Equal Opportunity Provider and Employer

Complaint Procedures

Sponsors are obligated by law to have Complaint Procedures established. These procedures must be made available to parents/guardians, and a coordinator must be charged with the responsibility of responding to these complaints.

A ***complaint*** is defined as a written or verbal statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination.

In the case of verbal complaints, the person receiving the information is responsible for obtaining all pertinent information.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file a complaint. The person(s) filing the complaint is known as the complainant(s). Anonymous complaints are also acceptable as long as there is sufficient information provided to proceed with an investigation.

Any person alleging discrimination based on race, color, national origin, gender, religion, age, disability, or political beliefs has a right to file a complaint, within 180 days of the alleged discriminatory action. This type of complaint is termed a Discrimination or Civil Rights Complaint. A Discrimination/Civil Rights Complaint must be filed with the USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964. This address is also indicated on the AND JUSTICE FOR ALL flyers posted in CNP sponsor offices, recipient agency offices, areas where meals are served and donated foods are dispersed.

Any complaint, which deals with non-discriminatory issues such as

program service or violation of federal or state laws or regulations, is termed a Program Complaint. Joy Salvetti Wolfe, Complaint Coordinator with the California Department of Education, Child Nutrition and Food Distribution Division, may be contacted regarding Program Complaints or assist in the determination as to whether a complaint involves discrimination. She can be reached at (916) 322-8316, or at the toll free number (800) 952-5609.

In order to distinguish Program Complaints from Discrimination/Civil Rights Complaints, the Complaint Coordinator should collect the following information:

- Name, address and telephone number or other means of contacting the complainant.
- Specific location and name of the entity delivering benefits.
- Nature of the complaint or action that led to the charges being filed.

If the complaint appears to be discriminatory in nature, the following information should be collected:

- Basis on which the complainant feels that discrimination occurred. In order to be considered a discrimination complaint, the complainant must feel discriminated against based on one or more of the protected classes.
- Names, titles, and if known, addresses of persons who may have knowledge of the discriminatory action or situation.
- Date(s) that the alleged discrimination occurred, or the duration of such action. Once the complaint is determined to be a discrimination complaint, it must be forwarded to Western Region Office, USDA.

The Complaint Coordinator is required to maintain a **Complaint Log**. The Complaint Log contains all pertinent complaint information, while

organizing and facilitating complaint-tracking functions.

Complaint Terminology

Complainant

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a complaint.

Complaint

A written or verbal statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination.

Complaint Coordinator

A staff member of the Child Nutrition and Food Distribution Division responsible for tracking all program complaints until resolution; and, refers discrimination complaints to the Western Region Office, USDA. Currently, the Complaint Coordinator is Joy Salvetti Wolfe. She can be reached at (916) 322-8316.

Sponsor staff person responsible for logging and tracking complaints.

Discrimination

The act of making a distinction in favor or against a person intentionally or unintentionally, based on their race, color, national origin, gender, religion, age, disability, or political beliefs with policies, procedures, attitudes and practices which deny equal access, or limits services and benefits to those who are eligible.

Discrimination Complaint

A complaint alleging discrimination based on race, color, national origin, gender, religion, age, disability, or political beliefs.

Program Complaint

A complaint alleging violation of federal/state laws or regulations concerning the NSLP, SMP, SBP, CCFP, ADCFP, SFSP and FDP.

CDE/NSD

Date:

COMPLAINT REPORT

Note: The completion of this form is not a prerequisite to filing a complaint

Circle Complaint Type: Civil Rights Complaint Program Complaint

Please Indicate Specific Nutrition Program: _____

Send complaint to: **Joy Salvetti Wolfe, Complaint Coordinator**
Nutrition Services Division
560 J Street, Suite 270
Sacramento, CA 95814 Phone: (916) 322-8316

Sponsor/Recipient Agency:

Phone:

Address:

Agreement No:

Complainant:

(Complainant may remain anonymous)

Phone:

Address:

Specific Complaint (include names, dates and locations):

Printed Name and Title of Person Completing Form

Signature

Phone Number

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, or disability. Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.